Disposal of Public Lands in Illinois

BY

JESSE ERLE MEHARRY

THESIS

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For some time after the first settlements in the United States very hazy ideas were held as to the extent of America, consequently royal grants sometimes overlapped five deep. The title to these grants passed to the several states after the Revolution, and in course of time, when it was desired to more closely unite the several states, the conflicting grants prevented accord.

The smaller states which held no western land vigorously contended that the states which held western lands should not hold them for their exclusive use, because, if the basis of representation were population, these exclusive land holding states would have a disastrous influence in the council of the nation. A movement was begun by Maryland for the cession of these disputed lands to the United States in order to remove the subject of dispute and facilitate the union of the states. Terms were finally agreed upon by the states and the general government, whereby the cession of the western lands were accepted by the latter, the ceding states reserving tracts for certain specified purposes in certain instances.

Upon the cession of the claims of the various states to the territory mentioned, the Congress of the Confederation passed a resolution for its government, on April 23, 1784. This ordinance, however, was defective in some respects.

Accordingly, Congress passed, on July 13, 1787, the "Magna Charta" of the Northwest territory. This provided for the division of the territory into not less than three and not more than five states, and laid down the broad principles of political justice and right, which form the basis of our Constitution.

Slavery was excluded forever, the government and laws of the new territory were provided for and the new territories were to become subsequently members of the Union, with the same rights and duties as the other states. It was further provided by the ordinance that," the said lands shall be granted or settled at such times and under such regulations as shall thereafter be agreed on by the United States in Congress assembled, or any nine or more of them."

Ohio, Indiana and Michigan were partitioned off from the great Northwest Territory as they attained the requisite population. Illinois territory was organized on Feb. 3, 1809, with its capital at Kaskaskia, and including the territory in the present states of Illinois, Wisconsin and parts of Michigan and Minnesota, west of the Indiana line and east of the Mississippi River. The territory was contracted to its present size by the enabling act of April 18, 1818, and the state was admitted to the Union December 3, 1818.

The sale of land in the Northwest Territory was first provided for when Congress on March 3, 1775, ordered that the net proceeds of the land sales should constitute a part of the sinking fund of the United States for the redemption of the public debt. Somewhat later, May 18, 1796, the act providing for the sale of the public lands northwest of the Ohio was passed. A surveyor general and the rectangular system was provided for. The general land office was organized April 25. 1812, and was placed in charge of the disposal of the lands of the United States. The land office was made a part of the Department of the Interior when the latter was organized, being transferred from the Treasury Department.

By the law of 1796 land was to be sold in lots of sections of 640 acres, at public sale at not less than two dollars per acre. Two months notice of sale, by advertisement, was required, however, and sale was to take place one month after the publication of the last advertisement.

Part of the seven ranges of townships surveyed under the act of May 20, 1785, were to be sold at Philadelphia at public auction in quarter townships, eight sections of 640 acres each. The four sections in the center were reserved. The townships to be sold in sections were to be sold at Pittsburg to the highest bidder. One twentieth part of the purchase money was to be paid down, one half was to be paid in thirty days, and one years credit was to be given for the remainder. If this was not paid in one year after the final payment became due the land was forfeited. Ten per cent discount from the credit part was made for full payment at the time of sale. The price, two dollars, was fixed so as to include all the costs of survey and disposal.

In 1800 a land office was located in each of the four districts in which the Northwest Territory was divided.

The idea prevalent in early days concerning the public lands, was to regard them as assets to be disposed of as soon as possible and to get the money into the public treasury in order to pay off the public debt which was very large for that time.

The credit system was adopted in order to encourage the settlement and sale of the new lands. Many failed utterly in payment, and some only paid a part of the purchase price. The failures were ascribed mainly to the "hard times", which overtook the new settlers

and also to the fact that, the sales being under the credit system, the settlers bought more than they could possibly have paid for in the end. They hoped to dispose of a part at an advance before the final time for payment came. In consequence of these failures to pay, cash sales were ordered. Petitions for relief were granted by Congress which gave more time in which to make payment. The cash price was reduced from two dollars an acre to one dollar and twenty five cents.

Nearly all the lands were first offered at public sale, and if not sold they become subject to private entry at the minimum price prescribed. Congress directed what lands were to be sold at any one time and those only could be held subject to entry.

Various ~~lands~~ prices were set by the government for its lands since 1785. Agricultural land has varied from 12½ cents per acre through 25, 50, 66⅔ and 75 cents to $1.00, $1.25 and $2.50 per acre. Mineral lands have sold from $2.50 to $5.00 per acre and other lands from 20 cents to $1.25 per acre. These prices were only minima and often much higher prices were brought by especially desirable land.

The United States does not seem to have restricted the amount any one might buy at any one time, as did the state of Illinois. The requirements were that the land was to be sold in geographical divisions which were large at first and subsequently adapted to purchasers wants.

On Aug. 4, 1854, Congress passed the Graduation act in order to "cheapen the price of lands long in market, for the benefit of actual settlers, and for adjoining farms." By this act the prices of lands which had been in market ten years or more were graduated

accordingly to the time they had remained unsold on the market.

Those lands which had been on the market for ten years or more and were still unsold, were to be sold at one dollar per acre. Those of fifteen years standing at 75 cents, of twenty years standing 50 cents, twenty-five years standing 25 cents, and those of thirty years standing at 12½ cents. The entries were divided into two classes: the first consisted of those entries which were made by parties residing upon and cultivating adjoining farms, and who entered the lands for the use of such farms. The second class consisted of those entries which were made by parties who were already settlers and cultivators of the entered tracts or who contemplated becoming such at once. The law required proofs of settlement or of the contiguity of the farms of those who made the entries. If on investigation the entries were found regular , patents were issued at once. If the proofs of settlement and cultivation required in the second class were not forth-coming, the delivery of the patents was suspended to await the production of the proofs.

Under the Confirmatory Act of March 3, 1857, the patents were delivered on application, without the proof being required in all such cases, where the entry was allowed prior to the passage of that act, and where it was not found to have been fraudlently or evasively made. Congress repealed the Graduation Act on June 21, 1863.

FRENCH CLAIMS.

To the French belongs the honor of the first explorations of Illinois. Champlain Nicolet, Joliet and Marquette all contributed to the knowledge possessed of the new country, and pushed into hitherto umexplored wilds and waters.

Following these came missionaries and around the missions there sprang up the first settlements. The first mission station was Kaskaskia, which was established in 1675. The Cahokia mission was established about 1700, and was continously occupied from that time on, and it is undoubtedly the oldest permanent settlement in Illinois.

Kaskaskia was weak and feeble for some time after the establishment of the mission. The missionaries were often away and often changed. From the period 1675 to 1684 the missionaries came and went being there only a part of that time. From 1688 on, the missionaries remained until 1763, when expelled by the province of Louisana, changing oft en in a continous series. Oppositions of the authorities and the Indians combined to make the mission unstable. Both Kaskaskia and Cahokia would probably have been abandoned but for the support of Fort Chartres which was built near Kaskaskia, and around which a thriving village sprung up.

In 1717 Illinois was made a part of Louisiana, by a royal decree, and emigrants came into the country in large numbers chiefly through the efforts of Law's Company. In 1721 Phillippe Renault brought a large number of slaves and artisans with him from France, and settled on a grant of land a few miles north of Chartres, founding the village of St. Phillip. In 1733 Prairie du Rocher, four

miles east of Fort Chartres was laid out by the commandant on a grant, and conveyed to St. Therese Langlois, who conveyed it in lots to the settlers, reserving his seignorial rights. Grants of land were made to several villages to be used for commons, and of these Prairie Du Rocher is to be mentioned as still having her commons and drawing an income from the rental of it.

In additon to these grants, others were made by the Indies Company to permanent settlers in order to encourage agriculture. These grants, although incoate in their character, were # permitted to become Allodial titles without further concessions. The first of these conveyances on record, bearing date May 10, 1722, was to Charles Danie.

After the British conquest in 1761, Colonel Wilkins was commandant. He parceled out the land with great liberality to his favorites upon the condition that they should convey an interest to him.

On Oct. 7, 1763, however, a royal decree forbade the taking or purchase of lands from the Indians, unless a special license were obtained. In view of this Colonel Wilkins and other commandants from 1765-1775 seem to have considered the property of the French absentees as actually forfeited, and accordingly granted it away. These transactions never received the royal sanction. Col. Wilkins grants amounted to many thousands of acres. One is noteworthy, in which he granted to several Philadelphia merchants who "trading in this country have greatly contributed to his Majesty's service", a tract of land said to contain 3986 acres but found afterwards to

These grants were so many arpents(116 1/2 rods)wide and long. Some at Cahokia were only 2 arpents wide and extended four miles to the bluffs.

cover some 30000 acres. The Colonel received one-sixth interest in this grant by reconveyance.

For the better carrying out of their plans, the British officers and others committed a wanton outrage on the records of the ancient, French grants at Kaskaskia, destoying to a great extent the regular chain of titles and conveyances.

When Virginia ceded her claims to the United States she stipulated that the French inhabitants and other settlers of Kaskaskia and neighboring villages who had become citizenz of Virginia, should have their possessions and titles confirmed to them, and that they should be protected in the enjoyment of their rights and liberties; and that the 150000 acres of land promised by the state should be granted to Gen. Clark and his men, and laid in one tract, each man to receive his due proportiin.

In 1788 the governor of the Northwest Territory was authorized by Congress to confirm the titles of the French and Canadian inhabitants and other settlers on the public lands about Kaskaskia and Vincennes who on or before 1783 had professed themselves citizens of the United States or any of them. This act was never carried out. For some time Congress took no action on the numerous petitions of settlers requesting that their claims be confirmed and their titles be quieted.

In 1789 Washington called the attention of St. Clair to this subject and directed him to carry out the order of Congress. But Congress had further involved the matter by additional laws and the task, in consequence, proved very hard. Many of the original inhabitants were dead or had moved away and some had assigned their

claims. Many presented themselves as having been residents of the territory in 1783, the time prescribed by law, but who had never been heard of before . After the treaty of Greenville with the Indians in 1775, a steady stream of immigrants came into the territory. In 1791 Congress granted 400 acres of land to all the heads of families who had made improvementd in Illinois prior to 1788, except village improvements. These were known as "head rights". At the same time not more than 100 acres were granted to each person who had not already obtained a donation from the United States as above, and who, on Aug. 1, 1790 had been enrolled in the militia and had done militia duty.

In consequence of settlement being hindered by the uncertainty felt as to the validity of titles, Congress established land offices at Kaskaskia and Vincennes constituting the registers and receivers a board of commissioners to examine into the validity of the land claims. They soon found many evidences of fraud and their labor consequently became immense. From a very early time these land claims of ancient grants, both French and English, head rights, improvement and militia rights became a rare field for the operation of speculators. The French claims, owing to the poverty of the people, were in the great part unconfirmed, and this forced many of them into the market. Other claims were sold for a trifle, and the grants made by Col. Wilkins, being apparently illegal, were purchased a t a low rate by the speculators.

The official report of the Kaskaskia Commissioners in 1810 showed that they rejected 890 land claims as either illegal or fraudulent, 370 being supported by perjury and a considerable numb-

er forged. Two hundred out of seven hundred claims were admitted to be false by the persons making them. In their repot thirty years later, they confirmed only 117 out of 2294 claims which had been presented to them. They reported adversely on the British grant od 30000 acres, which Gov. St. Clair had confirmed. In spite of much protest Congress confirmed the title.

SALINES.

The United States followed a general policy of reserving the saline springs and mines with a section of land surrounding the springs. These were leased. out or disposed of by special acts of Congress. When sold, they were offered at public auction to the highest bidder at the minimum price of $1.25 per acre. If they w were not sold at the public offering, they were subject to private entry at the minimum price.

By the enabling act of 1818 Illinois obtained possession of all the saline springs in the state and six sections of land for each, These tracts amounted to 121029 acres. Illinois did nothing with them, until 1827, when she directed the appointment of three commissioners who were to select such places in the Gallatin County Saline reserve as were least suitable for salt making, yet suitable for water works. They were to make selections amounting to not more than 30000 acres. Unless Congress consented to the sale of these tracts however no selections were to be made.#

Ten thousand acres were to be selected in Vermillion County under the same conditions. These lands were to be sold in half quarter sections at not less than one dollar per acre at public offering first; and the lands thus unsold at private entry afterwards. Subsequently all the saline reserve in Vermillion County was directed to be sold at the minimum price of one dollar per acre at either public or private sale, when Congress removed the restrictions of the sale. In 1837 all the unappropriated lands in the

Congress had restricted the sale of the saline lands when she donated them to the state. They could be sold only upon the consent of Congress.

Vermillion Reserve were appropriated to Iroquois and Vermillion Counties for use in the making of needed bridges.

In 1839 the Bond County Saline lands were directed to be placed on sale in forty acre lots, the minimum price being advanced to $1.25 an acre.

The act of Feb. 28, 1847 required the Muddy Saline Reserve in Jackson County to be advertised for sale within 12 monthsafter the passage of the act, and sold,six,weeks prior notice having been given. The old limit of eighty acres was imposed. Cash in hand was required, or a credit of nine to eighteen months, on good security,might be extended to the purchaser.

In 1847 the legislature authorized the Govenor to sell all the salt wells, coal and other lans in the Gellatin County Saline Reserve. Sale was to be made to the highest bidder, payment to be in evidences of state debt. This was a move to diminish the heavy outstanding debt and to dispose of lands which were much in demand by those who had settled near by. In 1851 the sale of all the state lands was suspended, and when the suspension was removed in 1853, the lands were offered apparently without distinction, except for the swamp and school lands.

Education was deemed of so much importance by the fathers of the republic that they provided very generously for it.

On May 20, 1785 Congress granted every sixteenth section of the public lands in each state for the support of public schools. Two twonships in each state and territory containing public land were granted for the support of seminaries of a higher grade.

In 1829 the policy of selling the school lands and borrowing

the school fund was adopted. This was because the legislature had been too fearful of its popularity to provide adequate revenues by taxation. The law provided that upon the consent of Congress, section 16, or the lands selected in lieu thereof, in each township, might be sold, upon the receipt by the commissioners of the county of a petition signed by at least nine-tenths of the free holders and house-holders of the twonship, the signatures being attached in the presence of two witnesses.

This was amended by requiring three-fourths of the white male inhabitants, over twenty-one years of age, to petition for the sales, instead of nine-tenths of the free and house-holders.

Subsequently the number required to sign the petition was changed to two-thirds of the white voters of the township. The land was to be advertised for forty days and sold at not less than $1.25 per acre, in not more than eighty acre lots, at public auction. Subsequent private sale of unsold lands was to be made for $1.25 per acre, cash down.

No sale was to be made unless the township contained fifty white inhabitants. The lands were to be appraised and sold in the customary eighty acre lots at not less than the appraisement.

Subsequently it was ordered that no whole section was to be sold in any township containing less than fifty inhabitants, and in the fractional townships the ratio of inhabitants to the number of school lands was to be fifty to six hundred, and forty before a sale could be made. From 1857 on, the law required that no whole section should be sold in any township containing less than 200 inhabitants,and in fractional townships, common school lands could

be sold only, when the number of inhabitants and the number of acres were in the ratio 200 to 640. It was also directed that the land was to be divided into lots of not more than eighty acres, of such size and shape as would sell to the best advantage. The trustees might thus lay out a town and sell the lots, after having laid out street alleys, etc.

The sales were to be for cash, but the purchaser might borrow the requisite amount for not more than five years, upon giving proper security.

Lands which were unsold for two years might be revalued without a petition being presented and they were then sold as before.

Whenever irregular sales were made by the county commissioners the legislature legalized their acts by special enactments. The sales were chiefly irregular in some detail, as inadequate advertisement.

Occassionaly the commissioners were authorized to dispose of special lots or tracts of land, by special acts, upon petition of four-fifths of the voters of the township in which the lands lay. The lands made subject to sale under the act of 1829 and sunsequent acts amounted to about one million acres. These lands were at first leased out, the rents to be paid in improvements, but the lessees soon desired a more permanent title. Every township throughout the inhabited part had settlers on the school land, either as lessees or as "squatters", who were entitled to vote at elections, and thus likely to have much influence in the government of such a sparsely settled country. On the pretext of relieving the State Treasury from debt, the legislature, to save the popularity of its

members by avoiding the " just and wholesome" measures of levying the neccessary taxes, passed laws for the sale of one of the seminary townships, and for borrowing the proceeds which were to be paid out as public money, paying an annual interest thereon to the different counties for the use of schools. Under the law of Jan. 12, 1829, respecting the sale of seminary land, a list of these lands were to be recorded as they were selected, and the lands were to be sold to the highest bidder for specie or United States paper. Fractional sections or quarters might be sold at the auditor's discretion, and township five north, range on west was accepted from the sale. The minimum price was fixed at $1.25 per acre, and the lots were to be sold in not larger than eighty-acre tracts.

To those who had settled before the lands were selected, preemption rights were extended, of not more than 160 acres, including improvements, at $1.25 per acre. The act of 1829 was amended in 1831, so as to read, that if Congress consented to the surrender of township five with range one west which had been accepted from sale, and the substition of small tracts selected by the state amounting to as many acres as the original township, the transfer was to be made by the Govenor, who should appoint several persons to select these small parcels in places most likely to command purchasers. If the lands selected had been improved before the passage of the act, preemption acts were accorded as under the original act.

On July 2, 1862 Congress granted a quantity of land to several state for Agricultural and Mechanical Colleges. Each state complying with the act was to receive 30000 acres of land "in place", for each representative and each senator it had in Congress. The

land was to be selected in the state itself where there was a sufficient quantity of public land subject to sale at ordinary entry at $1.25 per acre. Where the state did not contain public land, scrip representing an equal amount was given it. The scrip was to be sold by the state receiving it, and the land located by the purchasers of the scrip in the other states and territories containing public land, subject, however, to certain restrictions.

Illinois was the second state to accept the grant of land, and located the school at Urbana, Illinois.

BOUNTY LANDS.

After the war of 1812 there had been set aside and surveyed two million acres in Illinois territory to satisify part of the boundaries promised for military and naval service during the war of 1812.# In 1816 Congress repealed that portion of the act of 1812 which required that two million acres should be laid off in Illinois and directed that in lieu 1,500,000 acres should be laid off in Illinois, and 500,000 in Missouri territory north of the Missouri River. Warrants were issued to those entitled to bounty, and were located by the holders or their assignees on these reserved lands. By the act of Feb. 8, 1854, the issue of these warrants ceased on June 25, 1858, and by the act of June 22, 1860, the right to locate them ceased on June 22, 1863.

INTERNAL IMPROVEMENTS.

By the eighth section of the United States Selection Act of Sept. 4, 1841, Congress granted each state named and each new state afterwards admitted, 500,000 acres of public lands for internal

Act of May 6, 1812.

improvements, which included the amount granted to each state while under territorial government.

The government had donated these lands since it did not have the constitutional authority to make the improvements itself, and the only way to aid in satisifying the craze it had started, was by granting lands for that purpose. For some years after 1820 a feeling prevailed that many improvements were necessary to the growth of the country. Accordingly the lands donated by the Government were sold and the proceeds used in the course of improvements that did not improve, which struck Illinois in 1820 and continued until 1850. Many thought it desirable that there should be a water communication between the Illinois River and Lake Michigan. The feasibility of this had been pointed out by Joliet in 1673. Gallitin, in 1809 spoke of a "natural course navigation" in time of high water between the head waters of the Illinois river and the sources of the Chicago Creek. Several projects were advanced for the construction of a canal but no progress was made until the pressure of opinion became such that representations were made to Congress of the urgent need of the canal.

Yielding to the pressure, Congress passed an act on March 2, 1827, granting land to Illinois and Indiana for the construction of two canals. In the case of Illinois, land equal to two and on-half sections in width on each side of the canal was granted, the United States reserving each alternate section, a rule since followed in making grants for improvements.

The Illinois canal was to connect Lake Michigan and the Illinois River. The state was to determine the lines of the canal,

after which selections of land were to be made. The title in fee at once passed to the state, which had the disposal of the lands in charge. The act provided that unless building were commenced in five years and the canal completed in twenty, the lands granted were to revert to the United States, or, if sold, the purchase price was to be paid in lieu. Purchasers from the state were protected by the title in fee having passed to the state upon the location of the canal. This was equal to a cash advance by the Nation for construction purposes, as the land was sold by the state and the money thus obtained used for improvements. Under this grant, Illinois received 290915 acres of public lands. By a subsequent amendment, Illinois was permitted to select certain lands in lieu of a number of sections which had been sold and patented by the United States prior to the location of the canal.

The Illinois legislature provided, on Jan. 22, 1829, for the sale of the canal lands. The canal commissioners were empowered to sell at any place they thought best, the land to be divided into half-quarter, quarter or fractional sections. The land was to be sold on the same terms as the United States was then offering, but cash only was to be received, and private sale could only take place after the land had been offered publicly. The price for private sales was to be $1.25 per acre, in cash. The improvements on the land selected were to be appraised by the commissioners and paid for by the purchasers. Not much progress of the disposal of the lands was made as late as 1831. In that year an amendatory act was passed withdrawing the lands from private entry until they were so far disposed of that the board deemed it expedient again to permit

private entry. In the meantime the land was to be sold in lots not larger than forty acres.

By this law of 1831, land to the extent of not more than ten acres in amount, might be donated to such towns as were seats of justice or were likely to become so, to aid in the erection of public buildings.

The commissioners were also empowered to lay out towns on the canal lands if they thought such disposal would contribute to increasing the sale of the lands. Chicago and Ottawa were laid out under the provision of the act.

About 1831 the commissioners reported that a railroad between the same points would cost much less than a canal. Accordingly congress in 1833 authorized the state to diverB the proceedings of the sale of the canal to the building of a railroad. This permission was never utilized by the state. The general assembly by act of March 1, 1833 abolished the board of canal commissioners and made no further efforts to prosecute the work. But in 1835 it was again decided to construct the canal. The state experienced some trouble at first in securing a loan, but in 1836 an act was passed, under which the loan was secured under credit of the state and the work was begun. In July 1837 in order to aid the contractors, an act was passed permitting the sale of lots of not less than forty or more than eighty acres, and not let to lie within one less than one-half mile of the canal. The quantity sold was not to exceed $400,000 in value.

The act of Feb. 22, 1839, provided that in the selection of lands for sale, the commissioners were to choose those lands on which

improvements had been made prior to March 1, 1825 ,if consistent with the public interest. The price was to be fixed without reference to the improvements, which were to be valued separately. The purchaser was to pay in advance for these, and this sum, plus ten per cent of the value of the land was to go the the first occupant, or "squatter " on the land. A lot or part of one might be donated by the canal commissioners to a religious society or congregation for building purposes. At first this was inaleinable, but permission was afterwards obtained to exchange for other lots.

The Board was also given power to sell land for manufacturing powers and to lease water power.. The latter was to be shut off when the level in the canal was effected and no damages was to be allowed.

In 1843 the sale of lands was suspended until three months after the completion of the canal. They were then to be offered annually four years, after which sale was to be at the boards discretion. In 1847 this prohibition of sale was removed except so far as it related to the timber and mineral lands, and authority was given to sell when it was thought to be to the interests of the state to be sold.

The canal was completed in 1848, but the land sales were continued for several years thereafter, Not all the land was sold, however, and in Nov. 1887, the unsold portion was reported as valued $156000. The trustees managed the canal until 1871 when they retired, leaving the canal free from debt and with a surplus fund $92545.

SWAMP AND OVERFLOWED LAND.

Under an act of Congress, entitled "An act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits, approved Sept. 28, 1850, Illinois received all the swamp and overflowed lands within her borders. The proceeds of the sales was to be applied to the reclamation of the lands by means of levees and drains.

By an act of Congress passed March 2, 1855, those purchasers or locators of swamp land, who made entries on the public land claimed as swamp land, either with cash or land warrants or scrips, prior to the issue of patents to the states provided in the law Sept. 28, 1850 were to receive patents as soon as possible. If, however, any state h ad sold any swamp land prior to its entry, no patent was to issue until the state released its claims to these t tracts. If such a state did not return within ninety days of the passage of the act, a list of all the lands sold as mentioned above together with the date of sale and the purchaser's name, and the patents were to issue immediately thereafter.

In several states including Illinois the complications that arose on account of conflicting sales by the general government. In consequence nearly every legislature of this state has by resolutions instructed the representatives of the s tate in Congress, to obtain the passage of a law settling the claims arising because of this conflict.

Turning from the action of the general government we find that in 1852 Illinois donated all the swamp and overflowed land she received by the grant of 1850, to the several counties in which they

lay, in return the counties were to construct the levees and drains necessary to the reclamation of the land with the proceed of their sales. Any balance remaining was to be used for educational purposes, or for internal improvements. In case any of the swamp lands had been selected by the Illinois Central Railroad Company within the limits of any county, that county was to select land in lieu thereof within this# fifteen mile limit authorized by the act of Sept. 20, 1850. The county court were to have the care of the swamp lands within their jurisdiction. The lands were to be appraised, none, however, at less than ten cents per acre, and then they were to be sold at auction, to the highest bidder for cash. No more of the lands were to be sold, however, than would suffice to pay the expense of draining and reclamation. The lands remaining unsold after the completion of the drainage, in any county, were to be divided equally among the different townships in the county, and were to constitute a part of the school funds of each township. They were to be disposed of for educational purposes in the same manner as section sixteen. The right of preemption was granted to those who had made an improvement prior to Sept. 28, 1850, or to their assignees, who were permitted to purchase the land at tis appraised value.

In 1857 Kankakee. Livingstone. Vermillion, Piatt, Champaign, DeWitt and McLean counties were authorized to sell all the swamp lands lying within their limit for cash or on one or two years credit, at the minimum price of $1.25 per acre. If any remained unsold at the end of one year after the passage of the authorizing act,

The Illinois Central Grant.

the land thus remaining, might be sold for less than the minimum price.

In 1859 the legislature authorized the county courts of the several counties of the state to sell any or all of the swamp or overflowed lands lying within their respective counties. This act was extended to apply to all the counties having special laws respecting the sale of swamp lands. Under this act they might act without reference to such special acts; and in counties under township orginizations, the board of Supervisors were authorized to carry out the act.

Occassionally the drainage commissioners made sales which were irregular, and the legislature legalised their acts as to conveyances,contracts and sales.

In 1859 the county court of Iroquois to sell any or all of the swamp lands in that county on such terms and prices as was deemed best. The lands were to be drained according to their direction, after the sale.

In 1877 the board of Supervisors, of any county of the state, were instructed that whenever they were satisified that the purchaser of any swamp land, sold under the act of June 22, 1852, relating to the disposal of the swamp lands, could not have their titles perfected on account of prior entries in the United States or other reasonable cause, they were to instruct the drainage commissioners of the county in which the land lay to refund purchase money if demanded within four weeks after the notification by the board.

The laws for swamp lands were general in their character with the exception of occassionally giving some jurisdiction or power

to a county or counties, which acts were purely local, and varied from vesting the entire control and disposal in the county boards or courts to restraining a county from selling land or regulating the draining of the lands.

STATE LANDS.

In 1851 the legislature passed an act providing for the suspension of sale of all the lands owned and held by the state. This law was repealed two years later, by an act to provide for the sale of the state lands and the liquidation of the state indebtedness, and to grant the right of preemption to settlers on state land". These lands were to be sold for gold or silver to the highest bidder, within twelve months after the passage of the law. None of the lands were to be sold at less than $3.50 per acre unless they had been appraised at a lower figure, in which case they were to be sold at their appraised value. No person was permitted to but more than three hundred and twenty acres of land at such sale. On the unsold lands the price was to be reduced fifty cents annualy, after the public offer, until they were sold, the price, however, not to fall to less than $1.50 per acre. On any one who actually settled and improved a forty or eighty acre tract before its selection by the state. was entitled to the right of preemption of not more than eighty acres at $1.25 with six per cent per annum from the date of selection added. The right of preemption was to extend for a period of two years after thepassage of the act. Each percon claiming these rights was to file a claim within six months after the passage of the act and all lands, to which the claim was estab-

lished within six months after the passage of the act, were to be reserved from sale until the preemption right expired. On Feb. 13, 1855, the right of preemption was extended for one year. Owners of impreovementd made before Feb. 14, 1853 on any forty ôt eighty acre tracts, were to be entitled to purchase not more than fifty acres at $3.50 per acre. In 1857 so much of the act has required the auditor to sell the state land within twelve months from the passage of the act was repealed and the time of sale was extended until all the land mentioned in the act were sold.

In 1869 a strip of land four hundred feet wide, extendind east from the west line of Michigan avenue, Chicago, and including it, and running south from Monroe to Park Row was granted to the city of Chicago with power to sell. The land was partially submerged and partly Lake shore. Ninety feet were to be left for Michigan avenue. None of the lands could be sold unless three-fourths of all the aldermen approved. The proceeds to be applied to the purchase of parks. At the same time the title to the land four hundred feet east of Michigan avenue and parallel to it in the fractional section ten and fifteen of township thirty nine range fourteen east submerged or otherwise, was confirmed to the Illinois Central Railroad Co. Another tract of land lying east of the tracks and breakwater of the company was conveyed to the company. It was about one milc long and the width was not specified. The company was to use it for itself alone and could not sell it. This act was repealed in 1873.

MINERAL LANDS.

The ordinance of May 20, 1875 regarding the disposal of lands in the Northwest territory, provided that one-third of all the gold, silver, lead and copper mines were to be reserved and were to be sold or otherwise dispoded of as Congress directed.

Very little was known at this time od the mineral resources of the country and doubt existed as to the future policy of the government as to the disposal of these lands. However, on July 11, 1846, Congress finally took action pn the question. It ordered that the reserved lead mines and the contiguous lands in the state of Illinois and Arkansas and the territories of Wisconsin and Iowa were to be expesed for sale. Six months notice together with a description of the lands were to be given. The lands were not to be subject to preemption until after they had been offered at public sale. Congress never specifically noted the coal land for reservation or sale, so they were disposed of as other publis lands under settlement or other laws until the preemption act of 1841 was passed.

THE ILLINOIS CENTRAL GRANT.

Lands have been granted by Congress in aid of railroads in several instances. These grants were usually in aid of the great transcontinental lines. The first congressional enactment providing for a land grant in aid of a railroad was passed March 2, 1833, when Illinois was authorized to divert the canal grant of Mar. 2, 1827, and to construct in lieu of the canal with the proceeds of the sale of the canal lands. This grant however was not utilized by the state.

The act of Sept. 20, 1850, was the first railroad act of any importance, and iniated a system of railroad grants which prevailed for some years. This act granted the alternate sections of land (even numbered) for six sections in width on either side of the road and its branches to the state of Illinois to aid in building a railroad. The idemnity practice,or the granting of lands to the railroad company in lieu of the original grant which were occupied by legal settlers at the time of the definite location of the route was iniated. The land thus selected in lieu of those held by settlers were to be taken within fifteen miles of the road. These lands granted were not to be sold at less than $2.50 per acre.

In case of failure to construct within a certain fixed time the lands granted were to be forfeited to the United States and those sold were to be paid for by the state. The road was to be a public highway, and was to be used by the government free of toll and other charges, and the mail was to be carried at a rate fixed by Congress.

On Feb. 10, 1851 the legislature of Illinois incorporated the Illinois Central Railroad company and granted to them the land ceded to the state for railroad purposes. In return the company was to pay forever to the state five to seven percent of its gross receipts, semiannually. By this act the road received lands to the amount of 2595053.acres.

approved,
D. Kinley,
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